IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPEALLTE JURISDICTION.

CRIMINAL APPEAL NO. 343 OF 2002

Vikas Hari Jadhav ....Appellant.
(Orig.Accd.)

V/s

The State of Maharashtra .... Respondents.

Mr.Vishal Thadani, Adv. for the appellant.

Dr.F.R.Shaikh, APP for the State.

CORAM: V.G. PALSHIKAR, Ag.C.J.
AND
SMT.NISHITA MHATRE, J.

29th Sept., 2006.

ORAL JUDGMENT: (Per Palshikar, Ag. C.J.)

Being aggrieved by the judgment and order of conviction and sentence passed by the learned Additional Sessions Judge, Solapur in Sessions Case No.215 of 2000 on 31.12.2002 the appellant-accused has preferred this appeal on the grounds mentioned in the memo of appeal as also verbally canvassed before us.

2. With the assistance of the learned Advocate for the appellant as also the learned Public Prosecutor we have scrutinized the entire evidence on record and reappreciated the same.

3. The prosecution case is that the accused and the deceased were residents of village Dadpur, Taluka Mohol, District Solapur and they had adjoining agricultural lands and there existed dispute between them with regard to boundaries of each holding. The deceased was also serving as an Assistant Teacher in the Primary School of Zilla Parishad at village Shingoli. On 2.8.2000at about 11.00 a.m. the accused came to the Zilla Parishad school premises, entered the class room where the Head Mistress Leelawatibai and the victim were working on three monthly report of the school to be submitted to the Zilla Parishad. When Head Mistress saw the accused she questioned him as to why he was in the class room to which the accused brandished two knives in his hand and rushed to assault Dattatraya the victim. The accused went out of the class room and the door was closed by the victims. There was no latch and therefore they pressed the door with their hands while the accused was trying to break open the door from the other side. He ultimately proved powerful and there was gap in the door, he wielded the sattur (knife) and caused injury on the hand of head mistress as a result of which she could not press the door any more, the accused overpowered the victim, entered the room and started assaulting the victim. The assault was so harsh and grievous that the children started shouting and ran away. While the assault was going on the victim ran away from the room but was chased by the accused who fell the victim to ground and again started assaulting him. Post mortem report proves that the victim had

as many as 25 injuries on his person. When this slautering of victim was going on at the hands of the accused, Bhimrao one of the villagers arrived on the scene of offence having heard the shouts of the children and saw the accused sitting on the chest of the victim and giving blows with the knife on his stomach and hitting his intestine. Seeing the witness the accused fled from the place. The victim was declared dead on the spot. The police was informed and the accused was arrested. The prosecution charged him under section 302 of Indian Penal Code, examined 10 witnesses to prove his guilt and the learned trial Judge on appreciation of the evidence on record came to the conclusion that the prosecution had proved beyond doubt the involvement of the accused in the murder of the victim. He therefore sentenced the accused to suffer imprisonment for life. The accused impugns this order in this appeal.

4. P.W.1-Leelawati Rajaram Vardhamane and P.W.2-Bhimrao Krishna Kasture are the eye witnesses to the entire gruesome assault. P.W.1-Leelawati was the Head Mistress at the relevant time and she has deposed that she along with the victim were preparing three monthly report when the accused entered the room and brandished the weapon and wanted to assault the victim when he was driven out of the room and the door was closed. She then deposed that the accused first entered in the room and injured her. The injuries on the person of the Head Mistress are proved, the treatment that she took is proved. The injury is proved as deposed by the victim in the witness box as to where it was

inflicted. The narration of the victim is natural. She has described the entire incident of assault and there is nothing unnatural in her cross examination which would require her being disbelieved.

5. P.W.2-Bhimrao is the second eye witness who arrived at the scene because of the shouts of the children of the school who had unfortunately to see the gruesome assault on their teacher. When he arrived on the scene of offence the accused was chasing the victim, he fell down the victim and sat on his chest and was stabbing him in the stomach. This deposition of P.W.2 is duly corroborated by deposition by P.W.1-Leelawati. In fact this corroborates everything said by the teacher in the evidence led by the prosecution. Injuries deposed to have been inflicted did exist on the body of the victim and were duly proved by the doctor who proved that the death of the victim was homicidal. The injuries were so grievous that the death was instantaneous. Even the injuries were so grievous that the sentence of life was inadequate. Unfortunately there is no appeal by the State and now it is too late for us to issue suo motu notice. But we are of the firm opinion on appreciation of the evidence that the accused alone is the person who has committed heinous murder by inflicting 25 injuries by giving vital blows of knife which he intentionally carried to the scene.

6. The eye witness account of P.Ws. 1 and 2 is not a sole testimony of the witnesses but is duly corroborated by the fact that the blood stained knifes were found, blood stained clothes were found and there is ample intrinsic evidence on

record to warrant this conclusion. The learned trial Judge has marshalled the facts correctly, he has noted all the circumstances which led to inescapable conclusion of guilt of the accused. We agree with each of the findings recorded by the learned trial Judge. On reappreciation of evidence on record we are also of the same view. There is absolutely no reason to disbelieve any of the eye witnesses and the conclusion drawn by the learned trial Judge are based on sound evidence which has to be accepted in the circumstances because the evidence is duly corroborated. In the result, therefore, appeals fails and is dismissed.